Power to stay proceedings where there is a submission.

19. Where any party to a submission to which this Regulation applies, or any persons claiming under him, commences any legal proceedings against any other party to the submission, or any person claiming under him, in respect of any matter agreed to be referred, any party to such legal proceedings may, at any time after appearance and before filing a written statement or taking any other steps in the proceedings, apply to the Court to stay the proceedings; and the Court, if satisfied that there is no sufficient reason why the matter should not be referred in accordance with the submission and that the applicant was, at the time when the proceedings were commenced, and still remains, ready and willing to do all things necessary to the proper conduct of the arbitration, may make an order staying the proceedings.

Power for Chief Court to make rules.

20. The Chief Court may make rules consistent with this Regulation as to—

(*a*) the filing of awards and all proceedings consequent thereon or incidental thereto;

(*b*) the filing and hearing of special cases and all proceedings consequent thereon or incidental thereto;

(*c*) the staying of any suit or proceeding in contravention of a submission to arbitration; and,

(*d*) generally, all proceeding in Court under this Regulation.

Amendment of section 21, Act I, 1877.

21. In section 21 of the Specific Relief Act, 1877, after the words "Code of Civil Procedure" the words and figures "and the Mysore Arbitration Regulation," shall be inserted, and for the words "a controversy" the words "present or future differences" shall be substituted.

Government to be bound.

22. The provisions of this Regulation shall be binding on the Government.

THE FIRST SCHEDULE.

(SEE SECTION 6.)

Provisions to be implied in submissions.

I. If no other mode of reference is provided, the reference shall be to a single arbitrator.

II. If the reference is to two arbitrators, the two arbitrators may appoint an umpire at any time within the period during which they have power to make an award.

III. The arbitrators shall make their award in writting within three months after entering on the reference, or after having been called on to act by notice in writing from any party to the submission, or on or before any later day to which the arbitrators, by any writing signed by them, may, from time to time, enlarge the time for making the award.

IV. If the arbitrators have allowed their time or extended time to expire without making an award, or have delivered to any party to the submission, or to the umpire, a notice in writing stating that they cannot agree, the umpire may forthwith enter on the reference in lieu of the arbitrators.

V. The umpire shall make his award within one month after the original or extended time appointed for making the award of the arbitrators has expired, or on or before any later day to which the umpire, by any writing signed by him, may, from time to time, enlarge the time for making his award.

VI. The parties to the reference, and all persons claiming through them, respectively, shall, subject to the provisions of any law for the time being in force, submit to be examined by the arbitrators or umpire on oath or affirmation in relation to the matters in dispute, and shall, subject as aforesaid, produce before the arbitrators or umpire, all books, deeds, papers, accounts, writings and documents within their possession or power respectively which may be required or called for, and do all other things which during the proceedings on the reference the arbitrators or umpire may require.

VII. The witnesses on the reference shall, if the arbitrators or umpire think fit, be examined on oath.

VIII. The award to be made by the arbitrators or umpire shall be final and binding on the parties and the persons claiming under them respectively.

IX. The costs of the reference and award shall be in the discretion of the arbitrators or umpire, who may direct to and by whom, and in what manner, those costs or any part thereof shall be paid; and may tax or settle the amount of costs to be so paid or any part thereof, and may award costs to be paid as between solicitor and client.

THE SECOND SCHEDULE.

(See section 18.)

FORM I.

Submission to single arbitrator.

In the matter of the Mysore Arbitration Regulation :—

Whereas differences have arisen and are still subsisting between A. B. of and C. D. of concerning ;

Now we, the said A. B. and C. D., do hereby agree to refer the said matters in difference to the award of X. Y.

(Signed) A. B.
C. D.

Dated the

FORM II.

Submission of particular dispute to single arbitrator.

In the matter of the Mysore Arbitration Regulation :—

Whereas differences have arisen and are still subsisting between A. B. of and C. D. of concerning ;

Now we, the said A. C. and C. D., do hereby agree to refer the said matters in difference to the award of X. Y.

(Signed) A. B.
C. D.

Dated the , 19

FORM III.

Appointment of single arbitrator under agreement to refer future differences to arbitration.

In the matter of the Mysore Arbitration Regulation :—

Whereas, by an agreement in writing, dated the day of 19 , and made between A. B. of and C. D. of , it is provided that differences arising between the parties thereto shall be referred to an arbitrator as therein mentioned ;

And whereas differences within the meaning of the said provision have arisen and are still subsisting between the said parties concerning ;

Now we, the said parties, A. B. and C. D., do hereby refer the said matters in difference to the award of X. Y.

(Signed) A. B.
C. D.

Dated the , 19

FORM IV.

Enlargement of time by arbitrator by endorsement on submission.

In the matter of the Mysore Arbitration Regulation and an arbitration between A. B. of and C. D. of :—

I hereby enlarge the time of making my award in respect of the matters in difference referred to me by the within (*or* above) submission until the day of 19 .

(Signed) X. Y.,
Dated the , 19 *Arbitrator.*

FORM V.

Special case.

In the matter of the Mysore Arbitration Regulation and an arbitration between A. B. of and C. D. of :—

The following special case is, pursuant to the provisions of section 10, clause (*b*), of the said Regulation, stated for the opinion of the *:—

*Here specify the Court.

(*Here state the facts concisely in numbered paragraphs.*)

The questions of law for the opinion of the said Court are :—

First, whether.....

.....

Secondly, whether.....

.....

(*Signed*) X. Y.

Dated the , 19 . *Arbitrator.*

FORM VI.

Award.

In the matter of the Mysore Arbitration Regulation and an arbitration between A. B. of and C. D. of :—

Whereas in pursuance of an agreement in writing dated the day of , 19 , and made between A. B. of and C. D. of , the said A. B. and C. D. have referred to me, X. Y., the matters in difference between them concerning (*or as the case may be*);

Now I, the said X. Y., having duly considered the matters submitted to me, do hereby make my award as follows :—

I award—

(1) that.....

.....

(2) that.....

.....

(*Signed*) X. Y.,

Dated the , 19 . *Arbitrator.*

STATEMENT OF OBJECTS AND REASONS.

The existing law relating to arbitration in the State is the same as it was in British India before 1898. It was found to be inadequate as the provisions in the Specific Relief Act were of a negative kind and those in the Code of Civil Procedure were defective in that it was doubtful if they would apply to disputes which might arise in future and that they required the agreement to refer either to name the particular arbitrator or to leave the Court to appoint one. To remedy these defects the Indian Arbitration Act IX of 1899 was passed and it is stated to be working well in British India. The necessity for these provisions is also felt here as it is proposed to amend the law relating to Joint Stock Companies and the provisions in the existing Regulation are found to be neither satisfactory nor well drafted. The Bill is based entirely on the Indian Arbitration Act, 1899.